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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/426,063	10/22/1999	GREGORY J. MESAROS	GEDP106US	1360
23623 TUROCY & W	7590 02/23/201 ATSON, LLP	EXAMINER		
127 Public Squa	are	RUDY, ANDREW J		
57th Floor, Key Tower CLEVELAND, OH 44114			ART UNIT	PAPER NUMBER
			NOTIFICATION DATE	DELIVERY MODE
			02/23/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket1@thepatentattorneys.com hholmes@thepatentattorneys.com setoori@thepatentattorneys.com

		Application No.	Applicant(s)			
Office Action Summary		09/426,063	MESAROS, GREGORY J.			
		Examiner	Art Unit			
		Andrew Joseph Rudy	3687			
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)[\	Responsive to communication(s) filed on <u>02 De</u>	ecember 2009				
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3)[Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
	closed in accordance with the practice under L	x parte Quayle, 1900 C.D. 11, 40	0.0.210.			
Dispositi	on of Claims					
4)□	Claim(s) <u>1-8 and 39-61</u> is/are pending in the application.					
	4a) Of the above claim(s) is/are withdrawn from consideration.					
5)	5) Claim(s) is/are allowed.					
· · _ ·	6)⊠ Claim(s) <u>1-8 and 39-61</u> is/are rejected.					
7)	Claim(s) is/are objected to.					
<i>′</i> —	Claim(s) are subject to restriction and/or	election requirement.				
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Applicati	on Papers					
9)☐ The specification is objected to by the Examiner.						
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
	Applicant may not request that any objection to the o	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).			
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).					
11)	11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.					
Priority ι	ınder 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
2) Notic 3) Inform	t(s) e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ite			

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DETAILED ACTION

Applicant's December 2, 2009 Amendment and REMARKS have been reviewed.
 The previous Office Action is withdrawn pursuant thereto. Applicant cancelled claims 9 Claims 1-8 and 39-61 are pending.

Claim Rejections - 35 USC § 103

2. Claims 1-8 and 39-61 rejected under 35 U.S.C. 103(a) as being unpatentable over Obrect, US 7,630,919.

Obrect discloses a computer-implemented business transaction over a network, e.g. Figs. 1-16 and related text, where a plurality of deals for at least a product or service includes price and non-price buying criteria by a buyer for at least one product or service, correlating the plurality of deals and ranking the deals and notifying the seller of the at least one product or service. Obrect does not disclose the term at least one distribution criteria. However, Obrect does disclose the concept of inventory. Inventory inherently includes distribution criteria when businesses transact business over a network. To have provided distribution criteria for the business of Obrect would have been obvious to one of ordinary skill in the art. The motivation would have been allowing the inventory to be accessed without disruption.

3. A further pertinent reference of interest is noted on the attached PTO-892.

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4. Applicant's Information Disclosure Statement (IDS) submitted February 3, 2010 has been reviewed. Note the attached IDS.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 571-272-6789. The examiner can normally be reached on Monday thru Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Joseph Rudy/

Primary Examiner, Art Unit 3687